

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OPTIMUMPATH, LLC,

Plaintiff,

v.

BELKIN INTERNATIONAL, INC., CISCO-
LINKSYS, LLC., D-LINK SYSTEMS, INC.,
NETGEAR, INC. AND SMC NETWORKS, INC.,

Defendants.

No. C 09-1398 CW

ORDER GRANTING IN
PART AND
DEFERRING IN PART
DEFENDANTS'
ADMINISTRATIVE
MOTION TO SEAL
(Docket No.235)

Defendants Belkin International, Inc., Cisco-Linksys, LLC, D-Link Systems, Inc., NETGEAR, Inc., and SMC Networks, Inc., request an order sealing various documents submitted in connection with their Responsive Claim Construction Motion and Cross Motion for Summary Judgment (Responsive Motion), as well as portions of their Responsive Motion. Docket No. 235.

Pursuant to Civil Local Rule 79-5(d), Defendants move to seal the following exhibits to the Declaration of Todd M. Briggs in support of the Responsive Motion: Exhibits Q, BB, MM, OO, PP and QQ. According to Defendants, these exhibits were designated confidential by third-party, Apple. However, Apple has not filed a declaration in support of sealing this information, as required by Local Rule 79-5(d).

1 Nevertheless, it is not clear that Apple has been served with
2 or otherwise notified of the motion to seal. Thus, the Court
3 reserves judgment as to whether to seal Exhibits Q, BB, MM, OO, PP
4 and QQ. On or before September 9, 2011, Defendants shall serve
5 Apple with the motion to seal these items and this order. In the
6 event that Apple seeks to seal the information, it shall file a
7 declaration in support of the motion to seal by September 16, 2011.

8 Defendants' motion to seal Exhibits BBBB and JJ, pursuant to
9 Local Rule 79-5(b) is GRANTED.

10 The contents of the above-identified exhibits were also
11 disclosed in portions of Defendants' Responsive Motion and the
12 claim chart, attached as Exhibit 4 to the Declaration of Nicholas
13 Bambos. Pursuant to Local Rule 79-5(c), Defendants seek to seal
14 those portions of the Responsive Motion and the claim construction
15 chart, as well. The Court will resolve this request to seal after
16 Apple has an opportunity to submit a declaration in support of
17 sealing items it has designated confidential. In the meantime,
18 those portions of the Responsive Motion and the claim construction
19 chart that disclose the contents of Exhibits BBBB and JJ shall be
20 sealed.

21 IT IS SO ORDERED.

22
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24 Dated: 9/2/2011



CLAUDIA WILKEN
United States District Judge